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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,638	07/30/1999	EIJI KAWAI	450127-02126	9709

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AB

# Office Action Summary

Application No.

09/364,638

Applicant(s)

KAWAI, EIJI

Examiner

Tammara R Peyton

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 4-6, 11, 13, 14, 16, and 18-20 rejected under 35 U.S.C. 102(a) as being anticipated by *Roskowski et al.*, (hereafter *Roskowski*), patent number 5,624,316.

2. As per claims 1, 5, 6, 11, 14-16, 19, and 20, *Roskowski* teaches a method of starting up an information processing apparatus, comprising the steps of:

transmitting boot data, to be executed according to a boot sequence by an information processing apparatus which executes a program to process data, stored in a recording medium [enhancer, 4, Figs. 1,2] that is removable inserted in the information processing apparatus [video game console, Fig.7] to the information processing apparatus[col. 5, lines 25-65]; and

booting the information processing apparatus according to the booting sequence based on said boot data transmitted from said recording medium [enhancer, 4, Figs. 1,2, ]; and

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control means for managing data. [Note abstract, col. 12, lines 58-col. 13, lines 1-17].

3. As per claims 4,13, and 18, *Roskowski* teaches wherein said boot data stored in said recording medium [Enhancer, 4 and Smart Card, 15, Fig. 2] comprises a startup image display program. [col. 6, lines 35-46]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 7-10,12, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Roskowski et al.*, (hereafter *Roskowski*), patent number 5,624,316.

5. As per claims 2, 12, and 17, *Roskowski* teaches wherein said information processing apparatus has DMA/CPU storage means for storing the relevant instructions of the boot data. It would have been obvious to one of ordinary skill that the DMA/CPU stores part of the instruction boot sequence in order to perform pre-fetching of specific boot sequences. [col. 16, lines 43-46, 59 – col. 17, lines Figs. 6-10]

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6. As per claims 3, 7, *Roskowski* teaches wherein said information processing apparatus has transmission data storage means for storing the boot data transmitted from said recording medium. [col. 16, lines 43-46, 59 – col. 17, lines Figs. 6-10]

7. As per claim 8, *Roskowski* teaches wherein said boot data stored in said recording medium [Enhancer, 4 and Smart Card, 15, Fig. 2] comprises a startup image display program. [col. 6, lines 35-46]

8. As per claim 9, *Roskowski* teaches wherein said recording medium comprises a memory card for storing data generated by said information processing apparatus. [col. 8, lines 45-col.9, lines 1-4]

9. As per claim 10, *Roskowski* teaches wherein the said information processing apparatus comprises a video game apparatus. [7, Fig.1]

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746,7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

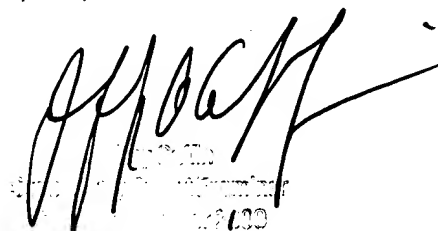
Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor

(Receptionist).

Tammara Peyton

February 6, 2002

A handwritten signature in black ink, appearing to read 'TAMMARA PEYTON', is written over a faint, rectangular official stamp. The stamp contains some illegible text and a date that appears to be 'FEB 13 2002'.